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**FILED**  
 JUL 12 2005  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. 3-05-70216-JCS
	)	
Plaintiff,	)	STIPULATION FOR ORDER FOR FURTHER
	)	CONTINUANCE OF INITIAL APPEARANCE
v.	)	IN NORTHERN DISTRICT OF CALIFORNIA;
	)	<del>PROPOSED</del> ORDER
NAGATOSHI MORIMOTO,	)	
	)	Current hearing date: 7/11/05, 9:30 A.M.
Defendant.	)	Proposed hearing date: 7/26/05, 9:30 A.M.
	)	

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California, and defendant Nagatoshi Morimoto, by and through his counsel of record, Mona C. Soo Hoo, hereby stipulate as follows:

1. This matter arises from the arrest of the defendant in the Central District of California, pursuant to an out-of-district complaint and associated warrant for arrest issued by United States Magistrate Judge Joseph C. Spero of the United States District Court for the Northern District of California, in the instant case, *United States of America v. Nagatoshi Morimoto*; Case No. 3-05-70216-JCS.

2. On April 11, 2005, Mr. Morimoto made his initial appearance before the United States District Court for the Central District of California, Chief Magistrate Judge, the Honorable Robert N. Block presiding. The court set bail by giving the defendant the option of posting a one hundred thousand dollar (\$100,000.00) collateral bond on his own signature; or, in the alternative, an appearance bond in the same amount, fully justified with an affidavit of sureties. Mr. Morimoto was

1 ordered released upon signing the bond, and, he was given until April 25, 2005 to meet other stated  
2 conditions of release and to post the bond.

3 3. With the assistance of a Japanese language interpreter, Mr. Morimoto was fully advised of  
4 and discussed with his attorney, Mona C. Soo Hoo, his right to arrival of process, to a removal  
5 proceeding, and, to a preliminary hearing pursuant to Rule 5(c)(3) of the Federal Rules of Criminal  
6 Procedure. Those rights were waived in writing and on the record in open court on April 11, 2005.  
7 The court ordered Mr. Morimoto to appear at the Clerk's Office of the United States District Court for  
8 the Northern District of California on or before 9:00 a.m. on May 9, 2005, or, on such other date and  
9 time by agreement with the prosecutor, Assistant United States Attorney Stacey Geis, counsel for the  
10 plaintiff, United States of America.

11 4. Mr. Morimoto was released from custody on April 12, 2005, and the collateral bond was  
12 posted, approved, and filed on April 21, 2005, all conditions having been satisfied. The bond was  
13 ordered transferred to the Northern District of California, at San Francisco.

14 5. On May 3, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order,  
15 pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the  
16 United States District Court for the Northern District of California from May 9, 2005 to June 9, 2005,  
17 at 9:00 a.m.

18 6. On May 23, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order,  
19 pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the  
20 United States District Court for the Northern District of California from June 9, 2005 at 9:00 a.m. to  
21 July 11, 2005 at 9:00 a.m. By Notice of the Clerk filed May 27, 2005, the time of the initial  
22 appearance was rescheduled from 9:00 a.m. to 9:30 a.m. on July 11, 2005 before Magistrate Judge  
23 Edward M. Chen.

24 7. The defendant and his counsel are in the process of reviewing a lengthy audiotape and the  
25 documentary discovery provided to them by the government's counsel, prior to the meeting of counsel  
26 to discuss a possible disposition of this case..

27 8. The further continuance requested herein is also requested to permit the respective counsel  
28 for the parties to meet and confer relative to a potential pre-filing resolution; or, a possible Rule 20

1 resolution of this matter. In the alternative, it will enable the parties to properly prepare for the initial  
 2 appearance in the Northern District of California, if necessary.

3 9. By this stipulation, the parties respectfully request that the court continue the proceedings  
 4 on the defendant's initial appearance in the Northern District of California to July 26, 2005 at 9:30  
 5 a.m.

6 10. Based upon the foregoing, the potential savings to judicial resources and the ends of  
 7 justice served by continuing the proceedings as requested outweigh the interest of the public in the  
 8 prompt disposition of criminal cases, as described in the Federal Rules of Criminal Procedure.

9 IT IS SO STIPULATED AND AGREED.

10 KEVIN V. RYAN  
 11 United States Attorney

12 7/5/05  
 13 DATE

14 /S/ Stacey P. Geis  
 15 STACEY GEIS  
 16 Assistant United States Attorney  
 17 Attorneys for Plaintiff  
 18 UNITED STATES OF AMERICA

19 7/5/05  
 20 DATE

21 /S/ Mona C. Soo Hoo  
 22 MONA C. SOO HOO  
 23 Attorney for Defendant  
 24 NAGATOSHI MORIMOTO

25 **[PROPOSED] ORDER**

26 FOR GOOD CAUSE SHOWN, based upon the need for further preparation of counsel, and  
 27 pursuant to the stipulation of the parties,

28 IT IS HEREBY ORDERED that the initial appearance of Defendant Nagatoshi Morimoto in  
 Case No. 3-05-70216-JCS in the United States District Court for the Northern District of California,  
 currently set for July 11, 2005 at 9:30 a.m., is hereby adjourned; and, instead, said initial appearance  
 shall be held on July 26, 2005 at 9:30 a.m., or on such other date and time as agreed to by the parties  
 and approved by the court.

DATED: July 8, 2005

HONORABLE EDWARD M. CHEN  
 UNITED STATES MAGISTRATE JUDGE